

DOCKET NO.: 250933US2S/sal



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

GROUP: 2814

Masaru KITO, et al.

SERIAL NO: 10/806,398

EXAMINER: DOAN, THERESA T

FILED: March 23, 2004

FOR: SEMICONDUCTOR MEMORY DEVICE AND METHOD OF  
MANUFACTURING THE SAME

**APPLICATION OF PREVIOUSLY PAID ISSUE FEE IN  
ACCORDANCE WITH SECTION 1308.01 MPEP**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

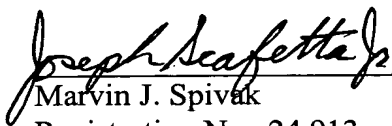
Sir:

The above-identified application was withdrawn from Issue after payment of the Issue Fee in the amount of \$1700.00 (Issue Fee \$1400.00 + Pub. Fee \$300.00).

The application has now been allowed again and since a refund of the previously paid Issue Fee has not been requested, it is now requested that the previously paid Issue Fee be applied to the Issue Fee being paid herewith. Enclosed herewith is a copy of the Petition Granted.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Marvin J. Spivak  
Registration No. 24,913

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/04)

Joseph Scafetta, Jr.  
Registration No. 26,803



UNITED STATES PATENT AND TRADEMARK OFFICE



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND, MAIER &  
NEUSTADT  
1940 DUKE STREET  
ALEXANDRIA VA 22314

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**DEC 23 2005**

**OFFICE OF PETITIONS**

In re Application of  
Masaru Kito et al  
Application No. 10/806,398  
Filed: March 23, 2004  
Attorney Docket No. 250933US2S

ON PETITION

This is a decision on the petition, filed December 22, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on November 15, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2814 will consider the request for continued examination under 37 CFR 1.114.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

RECEIVED: *12/22/05*  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.

**DOCKETING DEPT.**  
Initials/Date Docketed: *MD 12/22/05*  
Type of Resp(s):  
Due Date(s):

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).